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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,717	12/10/2001	Koichiro Abe	011650	3617

23850 7590 12/24/2002

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WASHINGTON, DC 20006

EXAMINER

GHAFOORIAN, ROZ

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/006,717

Applicant(s)

ABE, KOICHIRO

Examiner

Roz Ghafoorian

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species B in Paper No. 5 is acknowledged. Claim 4 is not going to be examined since it reads on the nonelected Species A (figures 1-7)

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No.5356384 to Haber.

Haber teaches a syringe device with a cap holding section 20a for supposing and holding therein a cap, which covered, a needle position at the extreme end of a syringe barrel.

3. Claim 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No.5067223 to Bruno.

Bruno teaches a syringe device with a needle separating section 44b for separating the needle which is covered with the cap and fitted on an end of the syringe; further a needle accommodation box 12 having auxiliary unit mounting section on which the needle separating section is mounted.

Claim Rejections - 35 USC § 103

4. Claims 1-2, 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent NO. 5356384 to Haber as described in rejection of claim 7 above, and further in view of US Patent No.5067223 to Bruno.

As mentioned above Haber teaches the invention except for the needle separating section separating only the needle or a needle accommodation box mounted on the cap holding section. Although Haber does not teach the specifics of the needle accommodation box it does teach that it would be advantages to have both a needles accommodation box with the cap removal unit. Bruno teaches a needle accommodation box with a syringes guide section for sliding the disposable syringes device to a predetermined position and a slanting surface.

Therefore it would have been obvious at the time the invention was made to have added the specifics of Bruno's needle accommodation box to Haber's accommodation box because according to Bruno its easier, cheaper and safer to use. And since Haber shows both the box and the cap removal on the same pole, one can mount them together if one chooses to do so, however Haber has demonstrated the advantage of having both the box and the cap removal at the same station mounted to each other or not.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Ghafoorian whose telephone number is 703-305-2336. The examiner can normally be reached on 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

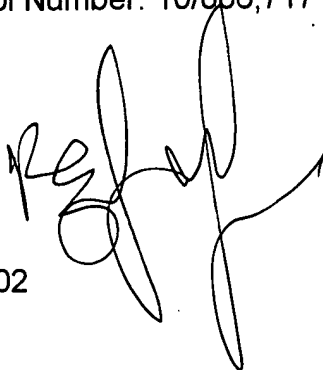
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RG

December 17, 2002

A handwritten signature in black ink, appearing to be 'RG' followed by a stylized flourish.A handwritten signature in black ink, appearing to be 'Michael J. Hayes'.

MICHAEL J. HAYES
PRIMARY EXAMINER